

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SHAW FAMILY ARCHIVES, LTD., BRADFORD
LICENSING, INC., JAMES E. DOUGHERTY, and
VALHALLA PRODUCTIONS, LLC.

Plaintiffs,

Index No. 05 CV 3939 (CM)

-against-

CMG WORLDWIDE, INC., an Indiana Corporation
and MARILYN MONROE, LLC, a Delaware
Limited Liability Company,

Defendants.
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DECLARATION DENNIS HART

Dennis Hart, being duly sworn, deposes and says:

1. I am an adult over the age of eighteen (18) and have personal knowledge of the matters stated herein.
2. I created and maintain the website located at www.monitorbeacon.com (the "Monitor Web-site") to perpetuate the memory of National Broadcasting Company Monitor radio show (~~the~~ "NBC Monitor"). ~~The~~ "NBC Monitor" first aired on June 12, 1955 and aired its last broadcast on January 26, 1975. That program is considered by many to be the greatest in the history of American network radio. I grew up listening to it -- went into broadcasting because of it -- and felt it deserved to be commemorated.
3. On January 26, 1975, on its final day of broadcasting, ~~the~~ "NBC Monitor" aired a retrospective of its twenty year history on the air. I heard and taped that broadcast on KMJ Radio in Fresno California and taped the show using a tape recorder. Part of that broadcast was a snippet of Dave Garroway's interview of Marilyn Monroe on ~~the~~ "NBC

Monitor's first day on the air on June, 12, 1955. This interview was well known to be one of the first interviews on ~~the~~ "NBC Monitor."

4. On the Monitor Web-site, I added a link to an audio file containing the aforementioned snippet of Dave Garroway's interview with Marilyn Monroe. This snippet is exactly the same as when it was aired and recorded on the KMJ broadcast of ~~the~~ "NBC Monitor" on January 26, 1975. It has not been altered in any way. Further, except that the audio version on the Monitor-Web-site is only a part of the original interview, the snippet is exactly the same as when it aired on June 12, 1955.

6. The voices in this snippet are Marilyn Monroe and Dave Garroway. It is a well known that Dave Garroway interviewed Ms. Monroe on the first NBC Monitor Show.

7. I consider myself to be an expert on this program. In addition to creating, maintaining and adding to the Monitor-Web-site, I have spoken with people that worked on that program and with fans that sent me copies of taped programs. Further, I have spoken about ~~the~~ "NBC Monitor" most recently on NPR Radio on June 12, 2005. A copy of my interview can be found at <http://www.npr.org/templates/story/story.php?storyId=4700009>. I am also the author of the book "Monitor, The Last Great Radio Show."

I declare under the penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration was executed on the 23rd day of March 2007, at Clavis, California.



DENNIS HART